

GUNDERSON LAW FIRM  
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Warren Barber, and Max Barber*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

HYBRID INTERNATIONAL, LLC, a Texas limited liability company; JOHNATHAN SCHULTZ, an individual

Case No. 2:19-cv-02077-JCM-EJY

**Plaintiff:**

**MOTION TO WITHDRAW AS  
COUNSEL.**

vs.

SCOTIA INTERNATIONAL OF NEVADA,  
INC., a Utah corporation; WARREN BARBER,  
an individual; MAX BARBER, an individual;  
DOES I through X; and ROE business entities I  
through X, inclusive,

## Defendants.

**SCOTIA INTERNATIONAL OF NEVADA,  
INC., a Utah corporation.**

### Counterclaimant.

vs

HYBRID INTERNATIONAL, LLC, a Texas limited liability company.

### Counterdefendant

1           Mark H. Gunderson, Esq., and Luke A. Walker, Esq., and the Gunderson Law Firm, counsel  
 2 for Scotia International of Nevada, Inc., Warren Barber, and Max Barber, seek an order from this  
 3 Court permitting its withdrawal as counsel of record for Scotia International of Nevada, Inc., Warren  
 4 Barber, and Max Barber. This motion is based upon United States District Court District of Nevada  
 5 Local Rules of Practice LR IA 11-6, Rule 1.16 of the Nevada Rules of Professional Conduct, the  
 6 attached memorandum of points and authorities, and the attached affidavit of counsel.

7           **MEMORANDUM OF POINTS AND AUTHORITIES**

8           Local Rule of Practice LR IA 11-6(b) permits the attorney in an action to withdraw upon  
 9 motion to the Court and service on the affected client and opposing counsel. The affected client, may,  
 10 but is not required to, file a response to the attorney's motion within 14 days of the filing of the  
 11 motion, unless the court orders otherwise. LR IA 11-6(b). Withdrawal may be permitted without  
 12 cause if it will not result in delay of discovery, the trial, or any hearing in the case. LR IA 11-6(e).  
 13 Rule 1.16(b) of the Nevada Rules of Professional Conduct states, in relevant part, that a lawyer may  
 14 withdraw from representing a client if withdrawal can be accomplished without material adverse  
 15 effect on the interests of the client, or the representation will result in an unreasonable financial burden  
 16 on the lawyer or has been rendered unreasonably difficult by the client. See Nev. R. Prof. Conduct  
 17 1.16(b)(1) & (6).

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1 Now is the proper time for the attorneys of record at the Gunderson Law Firm to withdraw  
2 from this case. The parties currently are awaiting Court's Order on Hybrid International, LLC's  
3 Motion for Summary Judgment, which was unopposed. There are no other pending motions in the  
4 case. Sufficient time exists before the commencement of any further proceedings for Scotia  
5 International of Nevada, Inc., Warren Barber, and Max Barber to locate new counsel to prepare to  
6 pursue the case in pro per. Withdrawal at this time will not result in the delay of proceedings and can  
7 be accomplished without material adverse effect on the interests of the affected client.

8 DATED this 11 day of February, 2022.

9 GUNDERSON LAW FIRM

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13 Mark H. Gunderson, Esq.  
14 Nevada State Bar No. 2134  
15 Luke A. Walker, Esq.  
16 Nevada State Bar No. 14429  
17 *Attorneys for Scotia International*  
18 *of Nevada, Inc., Warren Barber, and*  
19 *Max Barber*

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## **CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of the law office of GUNDERSON  
LAW FIRM, and on the 11 day February, 2022 I electronically filed the **MOTION TO  
WITHDRAW AS COUNSEL** and a copy will be electronically mailed by the United States District  
Court-District of Nevada through CM/ECF to the following:

Scott A. Marquis, Esq.  
Michael D. Maupin, Esq.  
Marquis Aurbach Coffing  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorneys for Hybrid International, LLC*  
*and Johnathan Schultz*

Cinnamon Konieczka  
Cinnamon Konieczka

Pursuant to FRCP 5(b), I certify that I am an employee of the law office of GUNDERSON LAW FIRM, and on the 11 day February, 2022 I deposited for mailing in Reno, Nevada a true and correct copy of the **MOTION TO WITHDRAW AS COUNSEL** to the following:

Scotia International of Nevada, Inc.  
4645 S. Highland Dr.  
Holladay, UT 84117

Max Barber  
4645 S. Highland Dr.  
Holladay, UT 84117

Warren Barber  
4645 S. Highland Dr.  
Holladay, UT 84117

Cinnamon Konieczka  
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